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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,597	04/25/2000	Johannes G. Sinke	PHN 17,430	8237

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BRIARCLIFF MANOR, NY 10510

EXAMINER

NGUYEN, NAM V

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/557,597

Applicant(s)

SINKE ET AL.

Examiner

Nam V Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

This communication is in response to applicant's response to an Appeal Brief which is filed July 29, 2003. The final rejection of February 27, 2003 has been withdrawn.

Claims 1-2, 4-10 and 13-18 are pending.

#### ***Response to Arguments***

After further consideration and newly discovered art of Duhamel et al., examiner has withdrawn prior rejection. Therefore, appellant's arguments are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Duhamel et al. (US# 5,541,585).

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Referring to claims 1 and 14, Duhome et al. disclose a security system for controlling building access as recited in claims 1 and 14. See Figures 1, and 3 and respective portions of the system and method.

Referring to claims 1 and 14, Duhome et al. disclose a system for providing personalized services (column 3 lines 6 to 20; see Figure 3), comprising

an apparatus (36, 38 or 52, ) (i.e. electronic devices) which is capable of personalizing its behavior in accordance with a user profile (i.e. user's preferences) (column 6 lines 31 to 50), .

a gatekeeper device (18) (i.e. a portable transceiver) that is configured to selectively transmit a user identification only (i.e. an identification code), in response to receipt of a communication from the apparatus (16) (i.e. fixed transceiver of electronic devices) (column 4 line 37 to column 5 line 4),

wherein the apparatus (38) is configured to effect the personalizing of its behavior based on the user identification (i.e. an identification code) (column 3 lines 6 to 20; column 6 lines 31 to 50; column 7 lines 3 to 20).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 2, 6-10, 13 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duhamel et al. (US# 5,541,585) as applied to claims 1 and 14 above, and in view of Nickum (US# 6,359,661).

Referring to claims 2, 10 and 15, Duhamel et al. disclose a system of claimed in Claims 1 and 14, however, Duhamel et al. did not explicitly disclose characterized in that the gatekeeper device includes a user control to selectively transmit the user identification.

In the same field of endeavor of multiple user profile remote control system, Nickum teaches that the gatekeeper device (200) (i.e. remote control device) includes a user control (310 to 316) to selectively transmit the user identification (320) (i.e. identification function key for user id) (column 4 line 32 to column 5 line 21) in order to operate the television receiver according to user's profile parameters.

One of ordinary skilled in the art recognizes the need to add a user control key to send selectively identification to the receiver of Nickum in the portable transceiver of Duhamel et al. because Duhamel et al. suggest it is desired to provide that a portable transceiver sends response signals includes a unique identification code (column 4 lines 38 to 62) and Nickum teaches that the each remote control device has user identifications and a user selectively sends an unique "user id" to access to viewer profile parameters (column 4 line 66 to column 5 line 21; see Figures 3 and 4) in order for the television receiver set up according to a user personal profile data. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to add a user control key to send selectively identification to the receiver of Nickum in the portable transceiver of Duhamel et al. with the motivation for doing so would

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have been to send user's preferences to the remote appliances from the same portable transceiver.

Referring to claims 6 and 16, Duhamel et al. disclose a system as claimed in Claims 1 and 14, and Nickum discloses characterized in that the gatekeeper device (200) is further configured to enable selection of one or more options (i.e. program key, channel and volume control) that affect selectively transmitting the user identification (i.e. unique user id) at subsequent occasions (column 4 lines 32 to column 5 line 59; see Figures 3 and 4).

Referring to claim 7, Duhamel et al. disclose a system as claimed in Claim 1, and Nickum discloses characterized in that the apparatus (110) further configured to generate an identity tag which identifies a select personalization, and communicate the identity tag to the gatekeeper device (200) (column 5 lines 42 to 59), the gatekeeper device (200) being capable of storing said identity for use as the user identification at subsequent occasions (column 5 line 26 to column 6 line 19).

Referring to claim 8, Duhamel et al. disclose a system, to the extent as claimed with respect to claim 1 above, Duhamel et al. did not explicitly disclose the system further including:

The gatekeeper device is capable of storing the user profile for selective communication to the apparatus.

In the same field of endeavor of multiple user profile remote control system, Nickum teaches that the gatekeeper device (200) (i.e. a remote control with EEPROM) is capable of

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storing the user profile for selective communication to the apparatus (110) (i.e. a television receiver) (column 2 lines 25 to 49; column 4 line 66 to column 5 line 21, column 6 lines 38 to 57) in order to control television programming.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize to have a remote control stores a user profile for communication to the television receiver in a portable transceiver's memory that stores the identification code for transmitting a response signal to the appliances of Duhamel et al. because portable transceiver is capable of storing the user profile would improve the accuracy of multiple personalized of each portable transceiver that has been shown to be desirable in the automatic remote control of appliances to conform to the user's preferences.

Referring to claims 9 and 18, Duhamel et al. in view of Nickum disclose a system as claimed in Claim 8, Nickum discloses characterized in that the apparatus (110) is capable of exchanging the user profile (i.e. user profile data) with the gatekeeper device (200) or another apparatus and the gatekeeper device is capable of exchanging the user profile with a plurality of other apparatuses (column 6 line 58 to column 7 line 33; see Figures 1, 6 and 7).

Referring to claims 13 and 17, Duhamel et al. disclose a system as claimed in Claims 1 and 14, and Nickum discloses characterized in that the apparatus (110) is further configured to effect the personalizing of its behavior based on user behavior following a prior receipt of the user identification (column 2 lines 50 to 59; column 6 lines 58 to column 7 lines 11; column 8 lines 34 to 46).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duhamel et al. (US# 5,541,585) as applied to claim 1 above, and in view of D'Angelo et al. (US# 6,265,974).

Referring to claim 4, Duhamel et al. disclose a system as claimed in claim 1, however, Duhamel et al. did not explicitly disclose the gatekeeper device is configured to provide notification of the communication from the apparatus.

In the same field of endeavor of monitoring relationship between mobile objects in communication system, D'Angelo et al. teach that the gatekeeper device (21) (i.e. child unit) is configured to provide notification of the communication from the apparatus (22) (i.e. parent unit) (column 5 lines 62 to column 6 line 18; column 12 line 54 to column 13 line 15) in order to let the parent know that the child has moved out of the near field proximity.

One of ordinary skilled in the art recognizes the need to notify the parent unit when the distance between the parent unit and the child unit is beyond the near field proximity of D'Angelo et al. in user profile remote control of Duhamel et al. because Duhamel et al. suggest it is desired to provide that a portable transceiver sends to the television receiver a response signal to control remote appliances with personalized parameters (column 6 lines 31 to 46; see Figure 3) and D'Angelo et al. teach that the child unit sends out a coded proximity check signal at a set near field proximity to notify the parent of movement and proximity (column 5 lines 62 to 68) in order to activates the alert warning device of the parent unit that the security of child may be compromised. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to notify the parent unit when the distance between the parent



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unit and the child unit is beyond the near field proximity of D' Angelo et al. in user profile remote control of Duhamel et al. with the motivation for doing so would have been to provide a notification to the television receiver that the portable transceiver is approaching or near in order to respond with a valid identification to operate the fixed transceiver of appliances.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duhamel et al. (US# 5,541,585) and in view of D' Angelo et al. (US# 6,265,974) as applied to claim 4 above and in further view of Kushiro et al. (US# 6,285,357).

Referring to claim 5, Duhamel et al. in view of D' Angelo et al. disclose a system as claimed in claim 4, however, Nickum in view of D' Angelo et al. did not explicitly disclose the communication from the apparatus includes an identification signal of the apparatus that distinguishes the apparatus from an other apparatus.

In the same field of endeavor of remote control system that controlling a plurality of apparatuses, Kushiro et al. teach that communication from the apparatus (200, 300, 400 or 500; see Figure 13) (column 16 lines 24 to 31) includes an identification signal (i.e. device identification code) of the apparatus (200, 300, 400 or 500) that distinguishes the apparatus (200) (i.e. TV set) from an other apparatus (400)(i.e. an air conditioner) (column 19 line 40 to column 20 line 24; column 32 line 31 to 67) in order to decide and to instruct the device to be remotely controlled without interference with other devices.

One of ordinary skilled in the art recognizes the need to includes an identification signal of the apparatus of Kushiro et al. in the appliances of Duhamel et al. in view of D' Angelo et al.

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because Duhamel et al. suggest it is desired to provide that portable transceiver sends to the remote appliances the identification signal to identify the remote control unit with personalized programming control (column 6 lines 31 to 45; see Figure 3) and Kushiro et al. teach that the each apparatus equips with a device identification code to distinguish from other apparatus to be remotely controlled (column 32 line 31 to 67) in order to activate the correct functions of each apparatus in a home network. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to need to include an identification signal of the apparatus of Kushiro et al. in the appliances of Duhamel et al. in view of D'Angelo et al. with the motivation for doing so would have been to provide a portable transceiver able to operate and control a plurality of appliances in order to minimize the confusion of which appliance is controlled at the present.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 703-305-3867. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

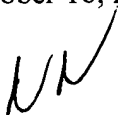
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nam Nguyen  
October 16, 2003



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